

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: . Case No. 09-50026-mg
MOTORS LIQUIDATION COMPANY, . Chapter 11
et al., f/k/a GENERAL .
MOTORS CORP., et al, . (Jointly administered)
Debtors. . One Bowling Green
New York, NY 10004
Thursday, January 12, 2017
9:30 a.m.

TRANSCRIPT OF (CC: DOC# 13802, 13813, 13819, 13820, 13822)
STATUS CONFERENCE REGARDING LATE CLAIMS MOTION; (CC: DOC. NO.
13806) STATUS CONFERENCE RE: MOTION FOR AN ORDER GRANTING
AUTHORITY TO FILE LATE CLASS PROOFS OF CLAIM FILED BY EDWARD S.
WEISFELNER ON BEHALF OF DESIGNATED COUNSEL FOR THE IGNITION
SWITCH PLAINTIFFS & CERTAIN NON-IGNITION SWITCH PLAINTIFFS;
(CC: DOC# 13807) OMNIBUS MOTION TO ALLOW CLAIMS, FILE LATE
PROOFS OF CLAIM FOR PERSONAL INJURIES AND WRONGFUL DEATHS

**BEFORE THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY COURT JUDGE**

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1 THE COURT: Let me hear from them whether the
2 position is different, okay? Let's not --

3 Who's representing the GUC Trust?

4 MR. KARLAN: I am, Your Honor.

5 THE COURT: Why don't you come on up to the
6 microphone, if you would.

7 MR. KARLAN: Thank you, Your Honor.

8 THE COURT: I apologize I don't know who you are, so
9 you can just tell me.

10 MR. KARLAN: Your Honor, any time a federal judge
11 hasn't seen my picture in the post office is a good day. I'm
12 Mitch Karlan from Gibson Dunn, Your Honor, counsel for the GUC
13 Trust.

14 THE COURT: Okay, Mr. Karlan. Thank you.

15 MR. KARLAN: A few preliminary points to respond to
16 some of the things that you've asked from the bench, Judge. We
17 do think Pioneer applies. We do think we need discovery before
18 the Pioneer issues can be resolved. I can confirm for Your
19 Honor, and I'll go into it in some detail on this, that the
20 discovery we would like to take is different from the discovery
21 that is presently underway in the MDL. And for what it's
22 worth, we're not parties in the MDL. I don't presently have
23 access to any discovery that has been or will be taken in the
24 MDL.

25 I have read the fact sheets that -- not the answers,

1 but the questions, and as you might expect, they are long, they
2 are detailed. They ask questions like, were you wearing your
3 seatbelt, and, how old was the car, and how many miles were on
4 it? That's not what we're interested in.

5 THE COURT: Well, of course, the accident victims are
6 only one small portion of the -- not small, a very important
7 portion, but we've got all these economic loss plaintiffs.
8 When they had, you know, their seatbelts are irrelevant to
9 that.

10 MR. KARLAN: Right. But the issue being tried in the
11 MDL, as I understand it, Your Honor, they are several steps
12 ahead of us with respect to their claims against GM. They are
13 now onto the merits. We --

14 THE COURT: So let me ask you this, Mr. Karlan.

15 MR. KARLAN: Sure.

16 THE COURT: Have you drafted your interrogatories?

17 MR. KARLAN: I have, Your Honor, and I'm sorry that
18 the other parties don't have them. The reason they don't have
19 them is that as of six o'clock p.m. last night, there was an
20 agreement among all of us as to how we were going to proceed,
21 which involved me not serving the interrogatories.

22 THE COURT: Okay. Well --

23 MR. KARLAN: And that fell apart between -- and I
24 found out when I arrived this morning that there was no deal.
25 I have the interrogatories here. It's only 15, it's not 25.

1 I'm happy to read them if anybody's really bored and wants to
2 be --

3 THE COURT: We can save the responsive reading.

4 MR. KARLAN: Okay. Okay. But they are not on the
5 merits, Judge. They are, you know, what you would expect on a
6 Pioneer set of issues. When did you first know about the
7 bankruptcy?

8 THE COURT: Why do you think that the -- explain to
9 me why you think the Pioneer factors are relevant to the
10 Court's decision whether to permit the late claim and later the
11 bankruptcy court and the Second Circuit determining a due
12 process violation?

13 MR. KARLAN: Your Honor, I don't read the Second
14 Circuit or Judge Glenn's --

15 THE COURT: Not Judge Glenn, I'm Judge Glenn.

16 MR. KARLAN: I'm sorry, Judge. Thank you, thank you.

17 THE COURT: Begins with a G, Judge Gerber.

18 MR. KARLAN: Judge Gerber. I don't read Judge
19 Gerber's or the Second Circuit's opinion to mean that if, in
20 2075, somebody filed a motion for leave to file a late claim in
21 this case that simply because they hadn't gotten the bar notice
22 -- the bar order notice that they could proceed. I --

23 THE COURT: So assuming that -- let's assume that the
24 Supreme Court denies cert.

25 MR. KARLAN: Okay.

1 THE COURT: Okay. But until that happens, we don't
2 have a final decision with respect to the due process
3 violation. Agree with that?

4 MR. KARLAN: I do.

5 THE COURT: Okay. So I have in front of me the
6 motion for leave to file late claims. Your argument about
7 somebody coming back in 2075 is not reality. Reality is we
8 don't have a final decision yet with respect to the due process
9 issue.

10 MR. KARLAN: No, my point was, Judge, the fact that
11 those people who didn't get the bar notice and, according to
12 the Second Circuit, should have, we, as of today, have a due
13 process violation. That universe may be significantly larger
14 than we know about. It may -- it is certainly larger than the
15 people who have filed motions for leave to file late proofs of
16 claim, and I think it's appropriate to inquire whether all of
17 those people are now entitled to file late proofs of claim or
18 whether there may be --

19 THE COURT: I haven't made a decision that anybody's
20 entitled to file a late proof of claim.

21 MR. KARLAN: Well --

22 THE COURT: What I have is a motion, and with every
23 -- precluding my agreement that whether it could be a class
24 claim or not, that is not being decided yet.

25 MR. KARLAN: Right, right.